

REMARKS

Claims 1-25 are pending in this application. By this amendment, the specification and claims 1, 24 and 25 are amended.

The Office Action indicates that claims 2-12, 15-21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, for the reasons set forth below, it is submitted that all claims are in condition for allowance.

The Office Action objects to the disclosure and claims 1, 24 and 25 due to an informality. The disclosure and claims are amended to obviate the informality. Withdrawal of the objections is requested.

Claims 1, 13, 14, 22, 24 and 25 are rejected under 35 USC 102(b) over U.S. Pat. No. 6,086,510 by Kadota. This rejection is respectfully traversed.

As discussed below, Kadota does not disclose a controller, “wherein the controller limits the gradual change speed of the throttle opening degree for a predetermined period such that a changing speed of the rotation speed of the output shaft is suppressed at a reverse time when a direction of torque transmitted between the driving system and the output shaft is reversed,” as recited in claim 1 and 24, and the corresponding step in claim 25. The suppression occurs regardless of whether the transmission is shifted to the back gear or the forward gear, but instead occurs when the direction of torque to the output shaft is reversed. This may occur when the vehicle changes from an accelerating state to a decelerating state (and vice versa), whether in forward or reverse, and not solely when the vehicle is operating in reverse as in Kadota.

A reversal of the direction of torque transmitted between the vehicle driving system and the engine output shaft occurs when the vehicle traveling state is shifted from one of a decelerating state and an accelerating state to the other state regardless of whether the transmission is shifted to the back gear or to the forward gear. In other words, the claimed throttle opening degree control is performed when the direction of torque transmitted between

the vehicle driving system and the engine output shaft is reversed regardless of whether the transmission is shifted to the back gear or to the forward gear.

For example, the specification states that “when the engine speed NE is changed such that the relationship between the engine speed NE and the converter speed NT is switched as shown in Fig. 6, the direction of torque transmitted through the automatic transmission 44 is switched and a torque shock is produced. Therefore, when the relationship between the engine speed NE and the converter speed NT is switched, the opening degree of the throttle valve 36 is controlled such that the changing speed of the engine speed NE is decreased.” *See* page 9, lines 5-21.

In contrast, Kadota discloses an “engine-output control unit provided with an electronic-control throttle system capable of controlling the output rise or fluctuation of an engine when performing backward driving with the back gear and realizing stable driving.” *See* col. 2, lines 38-44. When the back gear is selected (i.e., when the transmission is shifted to the back gear), the opening degree of the throttle valve is controlled by limiting the maximum value of the throttle opening degree and the opening operation speed of the throttle valve. *See* col. 2, line 45 – col. 3, line 3. This suppresses the rise or fluctuation of the engine output when the vehicle is traveling backward. This will occur even when there is no reversal in torque to the output shaft. It should be noted that all of the embodiments disclosed in Kadota relate to when the vehicle is traveling backwards when using the back gear.

For the above reasons, it is submitted that claims 1, 24 and 25, and all claims dependent thereon, are not anticipated by Kadota. Withdrawal of the rejection is requested.

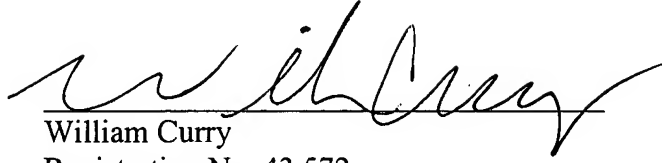
For the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is hereby authorized to charge the fee for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit

any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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